

**CONSERVATION COMMISSION**  
**MINUTES OF THE MEETING**  
**WEDNESDAY, OCTOBER 24, 2007 – 7:00 PM**  
**CATA CONFERENCE ROOM**  
**3 POND ROAD**  
**ROBERT GULLA, CHAIRMAN**

**MEMBERS PRESENT**

Robert Gulla, Chairman  
Ann Jo Jackson, Vice Chair  
John Feener  
Charlie Anderson  
Brandon Frontiero

**MEMBERS ABSENT**

Arthur Socolow  
William Febiger

**STAFF PRESENT**

Nancy Ryder, Conservation Agent

Mr. Robert Gulla Chairman, opens the meeting of the Gloucester Conservation Commission.

**REVIEW OF AMENDED, UPDATED OR FINAL INFORMATION, STATUS  
REVIEWS, MINOR AMENDMENTS, SIGNING DECISIONS, CLOSURE OF  
HEARINGS, ETC**

**28-1691 – 15 WOLF HILL WAY**

The Commission voted unanimously that based on the video tape and the letter from engineering, that they would consider the issue resolved at this time. However, the issue will be revisited in the spring at the first meeting in April 2008, along with the regularly reviewed vegetation review, to verify that winter and spring storms show that the drainage is functioning correctly. A letter will need to go out to David Murphy. The Agent notes that the file is on her desk, and she will draft a letter and forward it for processing.

**Notice of Intent Gloucester Wetlands filing – 27 KONDELIN ROAD**

The Commission voted unanimously to allow the applicant Bud Hobbs to pay for third party review in phases. It was discussed and understood at the hearing that all three phases (tasks) would have to be completed by the consultant in order for the commission to obtain the information necessary to issue an informed decision. It was also discussed and understood that the applicant was proceeding cautiously. If the results of any phase indicate to him that it would not be worth the effort to proceed, he will opt not to pay for further consultation. The approval at this time is for EcoTec to proceed with Task 1. Mr. Hobbs will submit a check in the amount of \$2,560.00 payable to the city of Gloucester to Marie in ComDev so the agency account can be set up and consultation initiated. Ms. Ryder will contact Art at EcoTec and notify him of the vote. The file is in the open hearings drawer and the signed contract is on the desk of the Agent to forward to Art.

**28-1911 – 5 RACKLIFFE STREET**

The Agent reviews with the GCC stating that the DEP number is in, project was reviewed earlier and there were no outstanding issues.

DEP requests confirmation of a Chapter 91 license.

**28-1889 - 458 WASHINGTON STREET**

The Agent summarizes for the Commission.

Dave Sargent/shellfish comments are in.

This is complete. ready to process and approved by unanimous vote w/ conditions noted in the OoC. The documents in the folder need to be checked against the list in the appendix. There will be a reprint of pages 7&8 with corrections on the computer. This is ready to be processed through the Conservation office.

**RFD1109 – DOGTOWN COMMONS, City of Gloucester and New England**

**Wildflower Society – Review of site visit and site plan for closure**

The Agent reviews and summarizes this matter with the GCC.

NHESP response has been received approving the project with conditions.

The Agent questions where the invasive species that are to be cut or pulled be deposited. She notes that leaving it to the city to remove the brush means it will likely end up in the compost pile where it will be chipped and composted. She then asks if this an appropriate disposal method for an invasive species?

The issue of removal of all the maples is still outstanding. The management plan lists control of the glossy buckthorn specifically, and notes on page 5 of the management plan that control of this species is the only issue addressed. It does not specify cut and control of the grown maples but simply mentions competing woody species within a 30x30 foot area. NHESP specifically notes in condition 1, that management activities must occur as specified unless otherwise approved by NHESP. The Agent state that she recommends the GCC make a specific finding regarding this particular plant and other native wetland woody vegetation.

The Commission approved this plan by unanimous vote with several significant conditions noted in the DoA. The Agent notes that the only GCC member that signed this was Mr. John Feener. This matter is to be placed on the 11/7 agenda at 7:05 for signing can get it out. She notes that the file is on her desk to finish adding conditions then it will go onto to be processed accordingly.

**Notice of Intent –~~DEMOULAS~~– Request for review for C.C. - Draft third party scope of work - Review of TAG notes and summaries.**

The Agent reviews with the Commission and states that the notes and draft scope are available for discussion

She further notes that the draft was distributed with partial scope of services for third party. A discussion and finalization was tabled to November 7 at 6:45 PM – 20 minute session. Gregg's draft TAG summary has been distributed as well.

The Third Party Review was discussed and the Agent noted to GCC and Atty McKenna that NEE may not be feasible as a third party reviewer as they do not meet the needs of engineering or planning. The agreement was to find a third party review for all three departments. Jim McKenna will contact Gregg to discuss potential third party consultants. The Agent notes that the information is on her desk for processing.

**PUBLIC COMMENT**

**NONE**

**CONTINUATION** of enforcement hearing to address un-permitted fill, submitted at **3 NORTH LANDING WAY ROW**.

Applicant has submitted the Notice of Intent, in response to an enforcement order, for addition of sand into salt marsh and coastal bank, defining the project as "Beach Nourishment."

The Agent questions the fact that there needs to have been a naturally occurring or at least historic beach there to begin with.

John Dick in attendance notes that initial soils samples showed that the area where sand was dumped was a historical beach area, dating back to at least the 90's to augment the artificial beach. He was informed that concrete evidence must be submitted to substantiate the claim. John agreed, noting he was looking for proof and would submit it for the hearing. N. pointed out that the WPA predated the 90's. If sand fill started then, it compounded the violation rather than justified it. John Dick noted that the coastal regs were adopted in 1983, coastal regulation did not apply before that. Nancy Ryder, Agent noted that the WPA predated the regulations, included coastal resource, and was effective in the 70's. It seems as if Mr. Dick forgot the 1963 Jones Act. She noted that one could view it from the opposite direction as well; since the regs did not exist to supplement the Act, and beach nourishment was not specifically discussed prior to 1983, no beach nourishment or disturbance was allowed at all. All parties agreed the conversation could be held at a later date. John also discussed the stormwater attenuation structure proposed in the adjacent to coastal bank. Enforcement hearing and NoI hearing combination are scheduled for 11/7 at 8:00 PM. File is in the open hearing drawer.

**NEW** Request for Determination of Applicability for Abbott Magnolia LLC, (Woodlands) for the construction of a residential development with associated roadways, utilities and grading at **6 TO 29 MAGNOLIA AVE.** (FKA Magnolia Avenue) (Map 193).

The applicant has requested a continuation to NOVEMBER 7, 2007.

This matter was continued to 11/7 at 7:30. The Agent notes that the file is in the open hearing drawer.

Request for Determination of Applicability, submitted by Frank Burnham, for construction of an above ground pool and discussion and resolution of a fill violation at **54 GRAPEVINE ROAD** (Map 76, Lot 37).

The Agent notes that revised plans have been submitted and further review is pending the GCC acceptance of the plans as drawn.

The Commission discussed and issued a list of required submittal information, including complete plans of disturbance and impact as well as a mitigation proposal not just a plan to conduct additional work near the wetland. Bill suggested removing some of the fill near the wetland rather than continuing to build the site further. A Site visit was discussed to evaluate depth of fill and stone extent a necessary part of the required information. The excavation is to be scheduled with Nancy Ryder present.

The matter was continued to 12/5 at 7:30. The file is in the open hearing drawer.

**CONTINUATION** Notice of Intent submitted by Gail Guittar to raze existing dwelling, and construct new dwelling, garage, porch and addition in riverfront area at **18 RIVERSIDE ROAD.**

The Agent informs the GCC that Mr. Bill Manuell will not be able to attend, but has requested comments and feedback on the revised information submitted to the GCC and a continuation to the next meeting.

The Agent notes that additional agent comments regarding the site visit and review will be made for the next hearing continuation.

Continued to 11/7 at 9:00. File is in open hearing drawer.

**CONTINUATION** Notice of Intent, submitted by Alcock Realty Trust to raze and rebuild a dwelling on existing foundation and construct detached garage at **16 CONONICUS ROAD,** (Map 231, lot 13

The Agent notifies the GCC that the revised information that was requested was submitted.

Mr. Bill Manuell the representative of the applicant is not able to attend the rescheduled meeting tonight.

The GCC approved the plan with conditions by unanimous vote. The Agent states that the file is on her desk to finish, then it will go to Marie and Sue's for processing. She asks that the GCC members double check the information in the file against the appendix.

**NEW** Request for Determination submitted by Laura Howard for landscaping, foundation work and dormer enlargements at **12 BEACHCROFT ROAD** (Map 175, Lot 6).

The Agent notes that this is an after the fact filing for work related to enclosing the foundation and vegetation removal.

The GCC approved by unanimous vote, with numerous conditions and a hold on releasing the decision until a better site plan is submitted. The Agent notes that this is on her desk to finish, then to be processed.

**CONTINUATION** Request for Determination submitted by Paula Haddad, for construction of an access road and installation of a septic system at **169 CONCORD STREET** (Map 242, Lot 45).

The Agent notifies the GCC that Mr. Mike Seakamp can not attend the rescheduled meeting and requests a continuation to 11/7.

It was agreed that the matter be continued to 11/7 at 8:30. The Agent states that the file will be in the open hearing drawer.

**CONTINUATION** Notice of Resource Area Delineation, submitted by Willard Perkins, for Hearthstone Realty Corporation at **281 R MAGNOLIA AVENUE** (Map 206, lot 9). The matter is scheduled for 3rd party review discussion.

APPLICANT REQUESTS CONTINUATION TO NOVEMBER 7, 2007.

It was agreed that the matter be continued to 11/7 at 8:00. The Agent states that the file is in the open hearing drawer.

**CONTINUATION** Notice of Resource Area Delineation, submitted by Michael Maynard for Magnolia Company Limited Partnership at **607 WESTERN AVE and 171 MAGNOLIA AVE-** (Map 199, lots 11 and 13, and map 198, lot 20).

The matter is scheduled for 3<sup>rd</sup> party review discussion.

The Agent states that the APPLICANT REQUESTS CONTINUATION TO NOVEMBER 7, 2007.

It was agreed that the matter be continued to 11/7 at 8:00 PM. The Agent states that the file is in the open hearing drawer.

**NEW** Notice of Intent submitted by Robert and Rosa Ladd to construct residential dwelling with associated grading driveway and utilities, at **149 ATLANTIC ROAD** (Map 73, lot 34).

The Agent reviews stating to the GCC that a site visit w/ John Judd was done with depleted soils noted within 18 inches, above the delineation but extremely dry soils and upland veg. She states that Mr. Judd moved the line up to include the area.

The Agent informs the GCC that a previous permit had been issued for an almost identical project with land being cleared but construction never started.

She states that the applicant claims this is a refile of that previously approved plan, however the database shows no other previously approved project for 114 Atlantic Road. A clarification is requested.

It was agreed to continue the matter to 11/7 at 7:05 pending review by engineering. The Agent notes that the file is in the open hearing drawer.

**NEW** Notice of Intent submitted by Richard Cahill to raze dwelling and construct new home with a new seasonal ramp and float on Mill River at **14 RIVERSIDE ROAD** (Map 100, lot 8).

The Agent informs the GCC that Mr. Bill Manuell will not be able to attend the meeting this evening but has requested comments and feedback on the information submitted to the GCC and a continuation to the next meeting.

The Agent states that she will have additional comments regarding the site visit and review will be made for the next hearing continuation.

It was agreed that the matter will be continued to 11/7 at 9:00 PM. She notes that the file is in the open hearing drawer.

**NEW** Notice of Intent submitted by Gerald & Paula Hart to remove an addition and deck and construct a new addition to home in riverfront at **94 WHEELER STREET** (Map 98, lot 59).

The Agent reviews with the GCC stating that a site visit was conducted w/ Fred Geisel. The site is within RRA and the home is located one row of homes away from the river. She states that due to storm high tide of record, she believes that there is secondary bank extending to the landward most reach of flood tides.

The addition is on existing lawn no closer to the river than an existing deck which will remain between the addition and the river/riverbank.

She notes that photographs are available.

The Agent notes to the GCC that they must find that the addition meets the exemption allowing minor additions within existing lawn or must find that the project addresses and meets the Alternatives/Avoid/Minimize/Mitigate process.

If the GCC choses to approve, she recommends 2:1 mitigation plantings along the lower lawn area directly above the shown coastal bank.

It was agreed that the matter be continued to 11/7 at 7:05. This is pending the engineering review, EP comments and a revised 2:1 mitigation planting plan for new impervious in RRA. The file is in the open hearing drawer.

**CONTINUATION** 28-1901; Notice of Intent submitted by Orthodox Congregational Church of Lanesville to remove existing dwelling and garage and construct addition to church at **1118-1122 WASHINGTON STREET** Map 152, lots 23,24,25.

The Agent notifies the GCC that comments have been received by the engineering department noting that the project meets stormwater with recommended conditions.

The matter was approved by unanimous vote with all engineering conditions becoming part of the order. The Agent notes that this is on her desk and will go on for processing.

**CONTINUATION** Notice of Intent, submitted by Samuel Saccardo to construct a residential dwelling and garage with associated driveway, grading and utilities at **25 WINGAERSHEEK ROAD** (Map 257, lot 250).

The Agent reviews the issues with the GCC and states that the issues remain the same and that nothing has changed. She asks that the Commission members read the previous agents notes as well as referring to DEP comments.

I recommend the Commission discuss and issue two separate decisions for this project. One under the Wetlands Protection Act and one under the Gloucester Wetlands Ordinance. The barrier beach aspect of this project in combination with the performance standards for dunes under WPA, makes the regulatory jurisdiction very different from the local regulations.

The Commission approved by unanimous vote under both the GWO and WPA after much discussion, amending and conditioning. She notes that the file is on her desk for finishing and will go on to be processed.

She asks the GCC to please triple check the file contents against the appendix under both the WPA and GWO decisions. (2 separate).

### **AGENT'S REPORT ON VIOLATIONS**

#### **LANES COVE LANDING** –update

The GCC agreed to hold off on any action until the City of Gloucester presents its case on 11/7 at 7:30 PM.

Review of list of open enforcement files.

### **COMMISSION BUSINESS**

#### **REQUESTS FOR LETTER PERMITS:**

**63 ROGERS STREET**, re-roof

**71 CRAFTS ROAD**, replace deck

**7 MICHAELS LANE**, sunroom on top of existing deck

**14 HESPERUS and 704 WASHINGTON**

The GCC approved all 5 Letter Permits by unanimous vote. They are in process.

## **CERTIFICATE OF COMPLIANCE**

### **Requests:**

The Agent reviews with the GCC stating that there is a request from The Korthos Atty's for CoC for 362 Magnolia for refinancing purposes.

It was noted that the GCC approved, sending a cautious letter to the attorney stating that OoC's are not complied with yet. The Agent informs the GCC that the owner is working with the city, he has a long way to go, but is getting there. She asks that the GCC draft a standard letter but she would like to read it before it goes out.

## **EXTENSION PERMITS:**

### **Requests:**

### **28-1604 – 57 FOLLY POINT ROAD**

The Agent notes the confirmation of clean up of site and the repair of erosion controls.

The Commission approved a one year extension by unanimous vote. The file is ready for processing.

## **Correspondence and Other Commission Business AS TIME PERMITS:**

- MACC meeting for December 8<sup>th</sup> was switched to Stoneham. The Agent notes that she is not sure why exactly, MACC thought the cost of the high school was too much, more than private venues. We offered to split but its possible that it was not enough.
- Deep Water Moorings w/ Jim and Dave, including the Traveler Mooring request – update
- City Wide Culvert repair replace application – update
- Magnolia Water treatment plant – update
- NSRCCN meeting Nov 1<sup>st</sup> 9:15-12 AM at Danvers Carriage House in Endicott Park
- Program to collect abandoned traps in Lanes Cove w/ Jim – update
- Varian Semiconductor – site response report re: Hydraulic Oil Spill
- Meeting w/ DPW staff and Director – update
- MBTA Train Station meeting in Rockport Town Hall, November 27<sup>th</sup> at 3:00 PM re station in Gloucester Watershed
- Erosion control mat sample
- Notice of Coastal Pollution Remediation Grant Money
- Initial Planning Meeting for City Sewer – update
- Gulf of Maine Times Volume 11, Number 3
- Revised National Grid Public Notice re application state wide. Comment period ends Nov 9.
- FEMA letter of map amendment and removal from flood plain for Amelias. The Agent informs that the GCC that we need to send letter of protest to FEMA! She further notes that documentation shows site floods yearly.
- CPA correspondence, forwarded by email

- City Barrier Beach Management Plan, written by DPW, is recommended by DEP to other communities – update
- Major project response to PB for 14 Cliff Ave, Magnolia, shorecliff, memo from Shellfish also
- Correspondence from Castlevew Homeowners re Stormwater monitoring.
- Pipeline awareness newsletter Fall 2007
- Summary of Eelgrass test transplants from CZM – update
- Mass Wildlife News 9/17/07
- Climate Change in New England Projections and Policy, AMWS meeting, in Wellesley, Babson College Executive Conference Center, 11/9/07
- Letter from Bill Thoms requesting Commission action to address sediment buildup into the tidal pond at Riverdale Mills, from Catch basins on Washington St.
- Lanes Cove Management Plan –update
- Notice from NHESP of new VP designation in W. Gloucester
- Superceding OoC for Bass Ave 28-1854

#### **MINUTES REVIEW**

A review of the Minutes of the Meeting session is scheduled for November 28<sup>th</sup>.  
Respectfully submitted,

Carol A. Gray  
Recording Clerk